

Message Text

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TO SECSTATE WASHDC IMMEDIATE 2951

UNCLAS USUN NEW YORK 03275

FROM LOSDEL

H FOR SENATOR MCGOVERN FROM AMBASSADOR ELLIOT RICHARDSON

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS - DEEP SEABED MINING LEGISLATION (S.2053)

DEAR SENATOR MCGOVERN:

SINCE I WAS UNABLE TO REACH YOU BY PHONE TODAY, I AM TAKING THIS MEANS OF COMMUNICATING TO YOU MY VIEWS AND THOSE OF THE ADMINISTRATION REGARDING THE DEEP SEABED MINING LEGISLATION (S.2053) BEFORE IT IS MARKED UP BY THE COMMITTEE ON FOREIGN RELATIONS TOMORROW.

WHILE THE SEVENTH SESSION OF THE LAW OF THE SEA CONFERENCE DID MAKE PROGRESS IN GENEVA, IT IS HIGHLY UNCERTAIN WHEN OR WHETHER AN ACCEPTABLE TREATY WILL BE SIGNED. IT IS CLEAR, IN ANY CASE, THAT SEVERAL YEARS WILL PASS AFTER THE TREATY IS SIGNED BEFORE IT ENTERS INTO FORCE, AND ADDITIONAL TIME WILL BE REQUIRED FOR THE INTERNATIONAL SEABED AUTHORITY TO PROMULGATE ITS RULES AND REGULATIONS AND FINALLY APPROVE CONTRACTS.

IN THE MEANTIME, THERE IS A VERY REAL RISK THAT AMERICAN
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OCEAN MINING COMPANIES WILL NOT BE ABLE TO SUSTAIN THEIR COMMERCIAL DEVELOPMENT PLANS UNDER THESE HIGHLY UNCERTAIN CIRCUMSTANCES. IN MY JUDGMENT, MOREOVER, THE CERTAIN PROSPECT OF DEEP SEA MINING WILL HELP TO STRENGTHEN THE SPIRIT OF REALITY AND COMPROMISE WHICH HAS RECENTLY CHARACTERIZED THE LAW OF THE SEA NEGOTIATIONS.

ALTHOUGH IT IS TO BE EXPECTED THAT THERE WILL BE SOME ADVERSE REACTIONS AT THE LAW OF THE SEA CONFERENCE TO THE ENACTMENT OF THE PENDING LEGISLATION, I AM CONVINCED NOT ONLY THAT IT IS IN OUR NATIONAL INTEREST FOR S.2053 TO BE ENACTED INTO LAW AT THIS SESSION OF THE CONGRESS BUT THAT THIS WILL ALSO ADVANCE THE INTEREST OF THE WORLD COMMUNITY IN THE EARLIEST PRACTICABLE FULFILLMENT OF THE COMMON HERITAGE.

AT THE SAME TIME, I MUST EMPHASIZE THE IMPORTANCE WHICH THE ADMINISTRATION ATTACHES TO A NUMBER OF AMENDMENTS TO S.2053 THAT WE BELIEVE WOULD SIGNIFICANTLY IMPROVE THE BILL FROM THE STANDPOINT OF INTERNATIONAL RELATIONS, RESOURCE MANAGEMENT, AND ENVIRONMENTAL PROTECTION. THE ENERGY AND COMMERCE COMMITTEES MADE SUBSTANTIAL IMPROVEMENTS IN THE BILL, BUT THE ADMINISTRATION BELIEVES THAT THE FURTHER AMENDMENTS SET OUT IN MY TESTIMONY OF AUGUST 17 BEFORE THE FOREIGN RELATIONS COMMITTEE ARE NECESSARY TO ESTABLISH A SOUND SEABED MINING PROGRAM FOR THE UNITED STATES.

I VERY MUCH HOPE THAT YOU WILL AGREE THAT PASSAGE AND ENACTMENT OF S.2053 BY THE 95TH CONGRESS SERVE THE NATIONAL INTEREST AND THAT AS A MEMBER OF THE FOREIGN RELATIONS COMMITTEE YOU WILL LEND YOUR SUPPORT TO THIS END.

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IF YOU HAVE ANY FURTHER QUESTIONS I WOULD BE PLEASED TO DISCUSS THEM WITH YOU. I MAY BE REACHED IN NEW YORK AT THE FOLLOWING NUMBER: (212) 826-5791.

WITH WARM REGARD, SINCERELY, ELLIOT.

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